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NOTES ON MUNICIPAL GOVERNMENT.

AMERICAN CITIES.

New York State.—*Report of Railroad Commissioners.* The growth of the railroad and railway systems of the State of New York for 1899 is presented in the annual report of the Board of Railroad Commissioners.¹ The statistics of the street railway service are of particular interest. During the year the capital stock of the street railways increased from \$132,844,303.33 to \$151,427,128.33; the gross earnings from \$31,884,384.20 to \$35,460,822.71; the operating expenses from \$19,153,716.55 to \$21,142,563.63; the dividends paid from \$5,799,359.32 to \$7,076,219.50.

Governor's Message. In the recent annual message of Governor Roosevelt a number of important questions of municipal interest were treated. In dealing with the question of public utilities, the message says "there is no possible reason in pure logic why the city, for instance, should supply its inhabitants with water, and allow private companies to supply them with gas, any more than there is why the general government should take charge of the delivery of letters, but not of telegrams. When any private ownership entails great abuse and where the work is of a kind that can be performed with efficiency by the state or municipality acting in its collective capacity, no theory or condition should interfere with our making the change. . . . On one point there must be no step backward. There is a consensus of opinion that New York must own its own water supply. Any legislation permitting private ownership should be annulled." Further along in the message the governor recommends that a commission be appointed to deal with the question of revising the New York charter in order to remove the defects made evident by its workings during the last two years. The movement in favor of revision of the charter has acquired great strength, owing to the evils which have arisen from the division of power and responsibility. The bi-cameral municipal assembly has proved inefficient, while the presidents of the constituent boroughs have almost disappeared from the public view, owing to the unimportant powers which they wield. Another grave defect is the lack of careful codification of the law in such important matters as sanitation, highway regulation, and the like. It is probable that when a new commission is appointed a careful revision of the law in every department of municipal activity will be undertaken.

¹ Ashley W. Cole. Frank M. Baker, George W. Dunn, Commissioners, Albany, N. Y.

New York City.—*The Legislature and Municipal Home Rule.* The attempt on the part of the state legislature to obtain control over local affairs in the Greater New York is illustrated by a number of recent measures designed to impose upon the city, expenditures for distinctively local purposes. The opposition aroused by the bills and their ultimate defeat indicates the growing opposition to interference with the local affairs of municipalities. One of the bills in question required the city to lay out a park at Eleventh avenue and One Hundred and Ninetieth street; another prescribed that the city should repave with asphalt a part of Kent street in Brooklyn; another to repave Grove street in Brooklyn; another to require the city of New York to establish a public market in the eighth ward in the borough of Brooklyn; another to require the city to enlarge Riverside Park. All of these attempts go to show that neither the constitutional provisions against special legislation nor the desire of the New York Charter Commission to assure to the city local self-government have proved effective.

Bridge Commission. The legislature has recently considered a bill for the appointment by the governor of a commission of six to build a bridge over the East River, between the borough of Manhattan and the borough of Brooklyn, the entire cost to be borne by the city. Here again, the principle of municipal home rule is flagrantly violated, as the charter of the Greater New York places this matter under the control of the municipal authorities. A further objection is the provision that not more than three of the commissioners should be of the same political faith on state and national issues. The opponents of the measure very justly argued that in a public work of this kind the question of party allegiance should not enter.

Philadelphia.—*Work of the Municipal League.*¹ The annual report of the Board of Managers of the Municipal League of Philadelphia contains a summary of the work of the league during the year. The report furnishes a record of activity which covers almost every department of municipal affairs. The most important work has been in advocating the improvement of the water supply of Philadelphia. The league has been strongly in favor of filtration and has contributed considerably toward the adoption of the plan which is soon to be tried by the city. The league's work in dealing with specific problems of municipal government has been far more successful than its independent political campaigns. There is, in fact, very little in the efforts of the last two or three years to encourage those who are believers in independent municipal parties. At no time has the league endangered the supremacy of the dominant party and it does

¹ Hector McIntosh, Secretary, 1112 Girard Building, Philadelphia.

not seem likely in the present state of public opinion that such an independent movement will receive great favor. The league has, nevertheless, undertaken an independent campaign in the councilmanic and magistrates' election now pending.

Ohio.¹—*Revised Municipal Code of Ohio.* So much has been hoped for from the work of the commission to revise the municipal code of this state that the news that the work of the commissioners, when placed under the analysis of lawyers who are specialists in municipal affairs has been found to be a failure, will be a keen disappointment to all workers for municipal reform. It was to have been expected that many of our lawmakers would be opposed to the measure, but it was not supposed that the force of the supporters of the plan itself would be neutralized by dissatisfaction with the character of the commission's product. Such is the case, however, and it now appears extremely doubtful whether those who were most conspicuous in promoting the movement, which resulted in securing authority for the commission, and in outlining the scope of its work will support any movement toward securing the adoption of the new code. Report has it that those lawyers who have made a study of the work of the commission, declare it to be compiled in a loose and unsatisfactory manner; that the legal framework of the proposed code is defective, the phraseology confused and obscure and, judged on its legal merits alone, the whole measure is pronounced weak and inefficient. Much criticism is passed upon the commissioners for going outside of the original plan of the work, which was to regulate the evil of classification of cities in legislation, and to provide a uniform classification. The commission's bill joins with the plan for uniformity plans for civil service reform, the non-partisan ballot, municipal ownership and the referendum. The Ohio State Board of Commerce, from which body the movement that established the commission originated, is said to be disappointed with the work as it stands, and instead of asking for its passage will either suggest a revised form of the bill or endeavor to continue the commission on the basis of a Commission of Revision. It is safe to say that the work as it stands will not be pressed strongly before the legislature.

Cleveland.—*Street Railway Situation.* The Cleveland City Railway Company has submitted a proposition for a renewal of its franchises, none of which expire, it contends, before 1908. The proposition was laid before a joint committee composed of the mayor, nine members of the city council, three members of the board of control, one

¹Communication of M. A. Fanning, Esq., Secretary Municipal Association, Cleveland, Ohio.

member of the park commission and three members of the municipal committee of the chamber of commerce. The Municipal Association was invited by Mayor Farley to send a committee of three, but the association declined to do so, and reminded the mayor of the pledge he gave the association a year ago, when a candidate for election, that if elected he would not favor, during his term of office, the renewal of any of the existing street railway franchises. The company proposes, in brief, to pay to the city immediately \$200,000 as a contribution to grade crossings and other improvement, 2 per cent of its gross receipts for the first five years after 1908, 3 per cent for the succeeding five years, 4 per cent for the third five year period and 5 per cent for the remaining two years. The Municipal Association takes the position that no franchises should be renewed until within a short time before their expiration. The action of the mayor in facilitating the work of securing franchise renewals is severely criticised. Public sentiment is so strongly against franchise renewals that it is doubtful if any ordinance can be put through at the present time.

New Orleans.—*Sewerage and Drainage System.*¹ In a communication on municipal affairs in New Orleans, which appeared in the last issue of the ANNALS, it was stated that a special session of the legislature had authorized the city of New Orleans to create a loan of fourteen millions for the establishment of a sewerage and drainage system, and that thus "the first important step in the sanitary regeneration of New Orleans had been taken."

To accomplish this much-needed reform, bonds are to be issued, the interest on which, together with the principal, is to be paid by a special tax of two mills on real estate for forty-three years. It has been discovered, however, that as New Orleans is the only city in the state that is not permitted to add to its present indebtedness, the new constitution of the state must be so amended as to authorize the issue of these bonds. This amendment will be submitted to the people at the next general election in April, 1900, and will undoubtedly be adopted. After this measure has been taken, it is believed that there will be no difficulty in floating the bonds at a low rate of interest.

The sewerage system will not be put into operation for some years to come, as many months must be consumed in the consideration of plans and specifications for such an enormous enterprise. The drainage system, however, which is entirely distinct, has already been put into partial operation. With funds on hand from other sources, the city constructed about a year ago a splendidly equipped central plant, by which two pumping stations are now being run. It is proposed

¹Communication of Professor John R. Ficklen, Tulane University, New Orleans.

that there shall be eight stations in all. The average rainfall in New Orleans is sixty inches, but very frequently there are semi-tropical downpours that change the principal business streets into lakes. In such cases it will be necessary to pump the surplus water as quickly as possible into Lake Pontchartrain, just outside the city; but under ordinary circumstances, the surface drainage of the city will be raised to a higher level by each successive pumping station, until it is finally dumped into Bayou Bienvenue, and then conveyed by the ebb of the tide into Lake Borgne. The central power plant is operated entirely by electricity—the first instance, it is claimed, of electrical power being used for such a purpose in the United States.

Water Works. The city has been much interested for two months past (November 15 to January 15) in the suit brought by the state against the New Orleans Water Works Company for the forfeiture of its charter. The evidence has been taken, but it has proved so voluminous that it will require a month or more to write out the stenographic reports, and the case will not be called for argument until March.

The original water works charter dates back to the year 1833, when it was customary to grant bank charters with the obligation attached of undertaking some work of public improvement. Up to this time the city had received its water through wooden pipes, but the Commercial Bank was chartered with the provision that it should spend \$100,000 a year on the construction of water works. When the city finally got possession of the property in 1868, the state was passing through the throes of reconstruction, and for this and other reasons the management of the water works was most unsuccessful.

Consequently, in 1877 the property passed once more into the hands of a private corporation for fifty years, the city retaining some of the stock and being represented on the board by three out of seven directors. Some months ago the city council called the attention of the legislature to an alleged violation of the charter on the part of the present corporation. The corporation had contracted to furnish the city with "an adequate supply of pure water," and it was contended that the water furnished was neither adequate nor pure. The legislature, having investigated through a committee, instructed the attorney-general to bring suit for forfeiture of charter.

At this writing it is impossible to say what will be the outcome of the suit; but during the progress of the litigation some interesting facts were brought to light.

1. The company has made several efforts to filter or otherwise purify the water of the Mississippi, but has invariably failed to better its quality.

2. It appeared that while there are 585 miles of inhabited streets in New Orleans, only 121 miles are furnished with any kind of water mains, thus leaving 464 miles without any water pipes at all.

3. It was shown that the rates have been so high as to be almost prohibitive for people of humble means, and that in times of drought the company had opened many of its plugs and given in charity what it would have been wiser to make the people pay for at a moderate rate.

4. The owner of a large cotton mill had found his bill for water so high—it was \$5,500 a year—that he bored artesian wells, and had refused to take any more water from the company.

5. The population of the city has almost doubled since 1877, and the amount of water used is much greater on account of the increase of manufacturing plants. But the company, after cutting off 2,000 hydrants for non-payment of dues and other causes, has during the last twelve years brought into use only 1,000 additional hydrants.

The leading newspapers and the majority of the citizens have declared in favor of municipal ownership of the water works, being considerably influenced by the proposed establishment of the sewerage and drainage system. The city will certainly be seriously handicapped in this work if the water works remain even partially under the control of a private corporation.

In the meantime a northern syndicate has obtained an option on the majority of the stock of the present company, and has offered to furnish the city with water ten per cent cheaper than it has been obtainable up to this time; to lay additional mains wherever it can be done at a profit of four per cent, and to sell the whole plant to the city at a fair valuation in 1906 or ten years later. The Drainage and Sewerage Board refuse to consider this proposition until the constitutional amendment is adopted. Until that time the legal status of the board is not clear.

Omaha.¹—*School Board Investigation.* The community has been profoundly stirred by recent disclosures made by an investigation of the official conduct of certain members of the local Board of Education. This body is elective, a third of its members being chosen annually, and none receiving compensation. The members of the present board, though all affiliating with the same political party, have been divided into factions; and at the opening of the present year the introduction of new members left in the minority a faction of the board which had previously constituted a majority. The new members, together with some of the former minority, and aided by

¹Communication of Charles Sumner Lobingier, Esq., of Omaha.

some prominent citizens, had been preparing for sometime to institute an investigation. Suspicions having been aroused that the city had been systematically swindled in the purchase of school supplies, building sites and in the letting of contracts, and that certain members, who seemed to control a majority of the board, were using their positions to profit by these corrupt transactions, detectives were employed to probe the matter to the bottom. These detectives, assuming the rôle of agents for school supply houses, opened negotiations with the suspected members for the sale of supplies at extravagant prices, out of which, according to the testimony of the detectives, the members were to, and in some cases did, receive a percentage. During the negotiations, the detectives claim, the accused members disclosed much information concerning their previous corrupt course of dealing. All these matters were brought to light through the testimony of the detectives at the investigation, with the result that three of the accused members have been arrested and bound over for the crime of bribery, and it has been rumored that others will be implicated. Under the Nebraska statute, bribery is a felony punishable with a maximum imprisonment of five years in the penitentiary.

Municipal Ownership of Public Works. This question will be one of the issues of the approaching campaign. The movement for the acquisition of the waterworks, which was discussed in the November number of the *ANNALS*, has resulted in the passing of an ordinance submitting to the electors a proposition for the issue of bonds to the amount of \$3,000,000 "for the appropriation or purchase of waterworks or land therefor." This ordinance was drawn by a committee of the Commercial Club, and displaced one previously before the council providing for a bond issue of \$5,000,000, which amount, it was thought, might appear so extravagant as to invite the defeat of the whole proposition.

Public Lighting. In a recent message, the mayor recommended that steps be taken towards the acquisition of a municipal electric light plant, and reminded the council that the existing contract with the Thomson-Houston Company for public lighting would expire on December 31, 1902. In this connection, it is worthy of note that the franchise granted by the city to the local gas company reserves to the former a royalty of five cents per thousand feet of the amount furnished to private consumers. In the year 1899 the city's revenue from this source was over \$11,000, and it has been estimated that within the next decade it will be sufficient to defray the expenses of municipal street lighting by gas.

FOREIGN CITIES.

Berlin.¹—*Mayoralty Conflict.* The case of Oberbürgermeister Kirschner has already been made the subject of a communication to the ANNALS. (Vol. xiv, p. 94, July, 1899.) To recapitulate briefly what was there said: Former Oberbürgermeister Zelle retired from the chief magistracy of the city of Berlin, October 1, 1898. The city council had already elected to succeed him Herr Kirschner, who up to that time had held the office of Bürgermeister, assisting Oberbürgermeister Zelle. But the consent of the king is necessary before the mayors-elect of larger Prussian cities can assume office. For some unaccountable reason this was not given. Public opinion soon connected the circumstance with a resolution passed by the city council for the restoration and improvement of the Friedrichshain cemetery in which repose the remains of those who fell in the March days of 1848. The government, suspecting a desire on the part of the council to glorify revolution, was supposed to be exhibiting its displeasure with the city administration by withholding the confirmation of Herr Kirschner. That the Minister of the Interior, von der Recke, expressly denied in the Landtag all connection between the two circumstances did not in the least modify the generally accepted opinion regarding the motive of the government.

Meanwhile the police president of Berlin refused his approval to the plans submitted by the *Magistrat* on behalf of the council for the improvement of the cemetery. Thereupon the *Magistrat* appealed to the *Bezirksavsschuss*, which is the administrative court of first resort in such cases. The *Bezirksavsschuss* decided in favor of the police president, and the *Magistrat* then carried the case to the Supreme Administrative Court, which also upheld the police president. It is the duty of the latter official, according to the text of the final decision, to maintain the public peace, security and order. The action of the council, as shown by the widespread and sometimes violent comment it aroused, especially in revolutionary circles, threatened public order, therefore the police president was justified in his action. The court of first instance had based its decision on the intent of the city council to glorify revolution, but this ground was not sustained by the Supreme Administrative Court which applied the single test of the objective possibility of public disturbance arising from an act of the council. With this decision, which was handed down December 13, 1899, further action in the matter on the part of the council was effectively blocked. On the twenty-third of December the Kaiser took occasion to address Herr Kirschner at a great

¹ Communication of Robert C. Brooks, Esq., Cornell University.

public gathering as Oberbürgermeister of Berlin, and the latter's confirmation reached him immediately thereafter. Thus was closed, not without some theatrical effect, the interregnum of almost a year and a quarter during which the city was without a chief magistrate, and in consequence also without representation in the Prussian House of Lords.

In the light of subsequent developments there can hardly remain any doubt as to the connection between the withholding of the confirmation and the Friedrichshain incident. The attempt of the government to make it appear otherwise is easily explainable. It is clearly contrary to the spirit of the City Government Act that the royal authorities should use the extensive powers of confirmation vested in them to coerce municipal corporations. Any persistent attempt on their part to do so would make local self-government in Prussia a mere farce. Minister von der Recke was naturally anxious to avoid the odium of such a construction. The Kirschner case was unprecedented, and judged by its political effects, will not soon be repeated. Such a policy can hardly fail to exasperate and strengthen radicalism in Prussian cities generally.

London.¹—*Reorganization of Governmental Structure.* The most important piece of municipal legislation which became law during the last session of Parliament was the London Government Act. It is far from being a complete reform, but it sweeps away the anomalous vestries and the numerous minor boards and creates well-defined municipal boroughs throughout the metropolis. The act does not seriously interfere with the London County Council, which remains the central governing authority, exercising a supervising power in some matters over the new boroughs and carrying out all the important work which is metropolitan and not local in character. A good deal of indirect advantage will be derived from the new boroughs. More symmetry will be given to local government in London. Many irregularities will disappear, and the new authorities will be more enterprising and ambitious.

During the last six months commissioners have been at work adjusting boundaries and preparing the way for the new municipalities which come into existence in November next. The old parochial boundaries of London have never been altered. As a consequence, detached or isolated portions, which were of little consequence when they were fields, became a source of difficulty when they were built over. Still the mother parishes cling to them. Now all these irregularities are put right, and local feeling has been overruled. Some of

¹Communication of Robert Donald, Esq., Editor of "The Municipal Journal and London."

the coming boroughs find their areas curtailed, while others are increased. A whole parish in the adjoining county has been annexed to London.

From the point of view of progress the change will do good. The new boroughs are likely to be progressive. Although the act was passed by a Tory government, the Progressives will reap the first benefit, as they do in the case of every change. The County Council was created by a Tory government, and constituted in a way which it was hoped would make it conservative, but it has been held by the Progressives from the time of their first unexpected victory.

Municipal Electric Plants. Another attack will be made in Parliament during the forthcoming session on municipal trading. Last year several electric power companies made an attempt to get bills passed permitting them to compete with municipalities and to supply light and power over large areas. They were defeated. It was held as a matter of principle that municipalities which were not neglecting their duties should not be interfered with, as they had been granted practical monopolies by Parliament. Several of the companies have not been discouraged by the fate of last year's bills, and are promoting similar schemes; the largest applying to South Lancashire and South Wales. In one or two cases the companies have obtained the provisional orders granted to local authorities.¹ Such companies will naturally be in a strong position and will be able to carry out their proposal. The argument in favor of it is that by distributing current in bulk from large generating stations in the coalfields it can be supplied cheaper than by local authorities in the several districts. This is true in small districts, but would not hold good in the case of large cities, where the municipalities are able to produce current at less cost than companies, as they can borrow money at a lower rate and only require to make their undertakings self-supporting.

¹ A provisional order is a permit from the Board of Trade to establish electricity works, which has to be confirmed by parliament, but as soon as it is granted it is always a marketable article and can be transferred from a municipality to a company and from one company to another.